

AN ORDINANCE 2006-06-08-0698

APPROVING A TOTAL AMOUNT OF \$55,330.00, TO INCLUDE A \$50,300.00 AMENDMENT TO A \$120,745.50 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH SLAY ENGINEERING COMPANY, INC. FOR REACTIVATING AND UPDATING PLANS, RE-ESTABLISHING SURVEY DATA FOR THE COMPLETION OF DESIGN PHASE SERVICES, AND PROVIDING COMPLETE BIDDING AND CONSTRUCTION PHASE SERVICES, IN CONNECTION WITH THE DURANGO-SAN MARCOS TO NAVIDAD PROJECT LOCATED IN DISTRICT 5; AND APPROPRIATING FUNDS FROM U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDS.

* * * * *

WHEREAS, the City Council has approved the use of U.S. Department of Housing and Urban Development ("HUD") 108 Loan Program funds for the Durango - San Marcos to Navidad Project (the "Project"), located in District 5; and

WHEREAS, by Ordinance No. 87785, passed and approved on May 14, 1998, the City Council authorized a professional services agreement with Slay Engineering Company, Inc. for engineering services; and

WHEREAS, in connection with said Project, there exists a need for additional engineering services to complete the design phase, to include reactivating and updating plans, re-establishing survey data, and providing complete bidding and construction phase services; and

WHEREAS, it is the City Council's intention to authorize the amendment of the professional services agreement with Slay Engineering Company, Inc. for performance of such additional services; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The sum of \$50,300.00, representing costs for additional engineering services is hereby authorized to be paid to Slay Engineering Company, Inc. in connection with the Durango - San Marcos to Navidad Project. In this regard, the professional services agreement with Slay Engineering Company, Inc., authorized by Ordinance No. 87785, passed and approved on May 14, 1998, is hereby authorized to be amended to reflect the additional services and costs therefor. The City Manager or her designee is hereby authorized to execute said amendment, a copy of which is in substantially final form and attached hereto and incorporated herein for all purposes as Attachment I.

SECTION 2. The appropriation and allocation of U.S. Department of Housing and Urban Development (HUD) 108 Loan Program funds in the amount of \$55,330.00 in connection with the Durango-San Marcos to Navidad Project is hereby approved.

SECTION 3. Fund Number 27040000 entitled "Department HUD 108 Capital Program" and Internal Order 13100001319 entitled "Durango Blvd. – Trinity Street," are hereby designated for use in the accounting for the fiscal transaction of this Project.

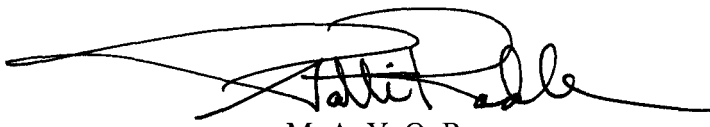

SECTION 4. The sum of \$55,330.00 is hereby appropriated in the above designated fund and will be transferred from Fund Number 27040000, GL Account # 6102100 entitled "Interfund Transfer Out" to Fund Number 28029000 entitled "CDBG 29th Year," GL Account # 6101100 entitled "Interfund Transfers In" and will be allocated as follows:

<u>WBS NO.</u>	<u>WBS NAME</u>	<u>G/L NO.</u>	<u>G/L NAME</u>	<u>APPROPRIATION</u>
26-00207-01-02	Design Cost	5201170	Engineering Fees	\$50,300.00
26-00207-05-06	Project Contingency	5201140	Construction Cost	\$5,030.00
			TOTALS	\$55,330.00

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, SAP GL Account Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This Ordinance shall become effective on and after the 18th day of June, 2006.


PASSED AND APPROVED this 8th day of June, 2006.


MAYOR
 **PHIL HARDBERGER**

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

Agenda Voting Results

Name: 9.

Date: 06/08/06

Time: 04:06:23 PM

Vote Type: Multiple selection

Description: An Ordinance approving a total of \$55,330.00, to include a \$50,300.00 amendment to a \$120,745.50 professional engineering services agreement, as amended, with Slay Engineering Company, Inc. for reactivating and updating plans, re-establishing survey data for the completion of design phase services, and providing complete bidding and construction phase services, in connection with the Durango-San Marcos to Navidad Project located in District 5; and appropriating HUD 108 Loan Program funds. [Presented by Thomas Wendorf, Director, Public Works; Jelynn LeBlanc Burley, Deputy City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR		x		

ATTACHMENT I
AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT
FOR CDBG PROJECT
ENGINEERING SERVICES

PROJECT NAME: DURANGO – SAN MARCOS TO NAVIDAD

Pursuant to paragraph numbered XVI of the Professional Services Agreement for Durango – San Marcos to Navidad (the "Agreement") made and entered on September 3, 1998 by and between the City of San Antonio, a Texas municipal corporation (hereinafter referred to as "CITY") and Slay Engineering Company, Inc. (hereinafter referred to as "CONSULTANT"), relating to the above referenced Project, the undersigned hereby agree to amendment of said Agreement as herein set forth:

1. Section II of the Agreement, relating to services to be performed is hereby amended to include reactivating and updating plans, re-establishing survey data and providing complete bidding and construction phase services in accordance with the proposal for said services submitted by the CONSULTANT.
2. Exhibit 1 of the Agreement, entitled "COMPENSATION FOR PROFESSIONAL CONSULTING SERVICES," is hereby amended to add the sum of \$50,300.00 to the fee for the CONSULTANT's work, for a total sum of \$171,045.50, which total sum includes additional amounts approved by prior City Council action(s).
3. This amendment to the Agreement shall not prejudice any present or future rights, remedies, benefits, or powers belonging or accruing to CITY under the terms of the Agreement herein amended.
4. Except as provided otherwise herein, the Agreement shall remain unaffected, unchanged, and unimpaired by reason of the foregoing amendments.

Amendment AGREED TO this the ____ day of _____, 2006.

CITY OF SAN ANTONIO, A TEXAS
MUNICIPAL CORPORATION:

CONSULTANT:

By: _____
Title: City Manager

SLAY ENGINEERING COMPANY, INC.
By: _____
Title: _____

APPROVED AS TO FORM: _____
Assistant City Attorney

Agenda Item # 9

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Sheryl Sculley, City Manager
FROM: Thomas G. Wendorf, P.E., Director of Public Works
SUBJECT: Durango – Trinity to Navidad
DATE: June 8, 2006

SUMMARY AND RECOMMENDATIONS

An ordinance amending a professional services agreement and authorizing payment to Slay Engineering Company, Inc. for additional engineering services in connection with the Durango-San Marcos to Navidad Project, an authorized U.S. Department of Housing and Urban Development (HUD) 108 Loan Program Funded Project, located in Council District 5; and appropriating a total ordinance amount of \$55,330.00.

The professional services agreement to be utilized for this project was approved by City Council on May 14, 1998 through Ordinance No. 87785 and authorized \$99,400.00 for professional engineering services in connection with the Durango San Marcos to Navidad project. Subsequent amendments have increased the amount of this agreement to \$120,745.50. This ordinance will increase the total agreement amount to \$171,045.50. This item represents a portion of a total estimated project cost of \$948,000.00.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This project will provide for the reconstruction of Durango from San Marcos to Navidad and will include curbs, driveways, sidewalks, and transitions and ramps at ends to meet ADA requirements.

This project was initially funded with 23rd (1997) Year Community Development Block Grant (CDBG) funds for design only, and has been on hold pending the award of sufficient funds for completion of the project. The project has since received additional funding from HUD 108 Loan Program and is funded through construction. However, additional professional engineering services are needed to complete the design phase.

This ordinance authorizes funding in the amount of \$50,300.00 payable to Slay Engineering Company, Inc. for additional professional engineering services, which will include reactivating and updating plans, re-establishing survey data to complete design phase services, and complete bidding and construction phase services. This ordinance also authorizes \$5,030.00 for project contingency.

The professional services agreement for the Durango – San Marcos to Navidad project was approved by City Council on May 14, 1998 through Ordinance No. 87785 and authorized \$99,400.00 for professional engineering services. On October 21, 2004, City Council increased the amount of this agreement to \$120,745.50 through Ordinance No. 99896. This ordinance will increase the total agreement amount to \$171,045.50.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to participate in the development and construction of previously approved CDBG and 2003-2007 General Obligation Street Improvement Bond funded Capital Improvement Projects.

FISCAL IMPACT

This is a one-time capital improvement expenditure and is included in the FY 06-11 Capital Improvement Program Budget. Funds in the amount of \$55,330.00 are available from HUD 108 Loan Program funds and are appropriated and payable as follows:

\$ 50,300.00	payable to Slay Engineering Company, Inc. for professional engineering services
\$ 5,030.00	for project contingency

COORDINATION

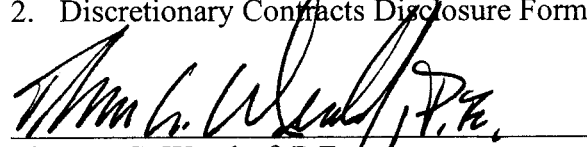
This request for ordinance has been coordinated with the Office of Management and Budget and the Finance Department.

SUPPLEMENTARY COMMENTS

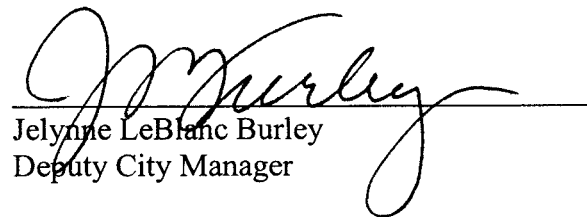
The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

ATTACHMENTS

1. Project Map
2. Discretionary Contracts Disclosure Form



Thomas G. Wendorf, P.E.
Director of Public Works

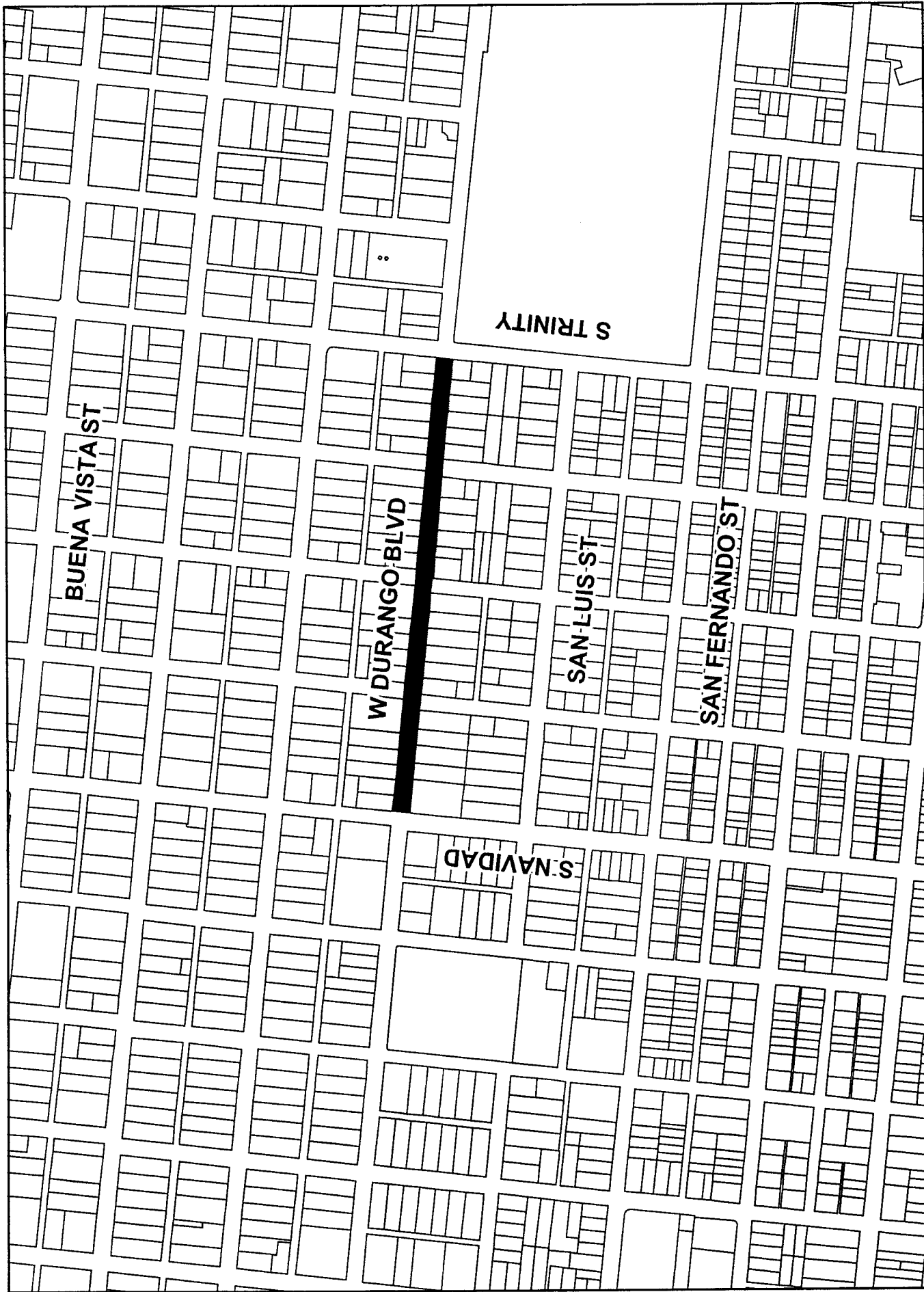


Jelynn LeBlanc Burley
Deputy City Manager

Approved for Council Consideration:



Sheryl Sculley
City Manager



City of San Antonio
Discretionary Contracts Disclosure

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)
Attach additional sheets if space provided is not sufficient.*

(1) Identify any individual or business entity¹ that is a party to the discretionary contract:

N/A

(2) Identify any individual or business entity which is a **partner, parent** or **subsidiary** business entity, of any individual or business entity identified above in Box (1):

☐ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

Slay Engineering Co., Inc.
Michael M. Slay, P.E. (President)

(3) Identify any individual or business entity that would be a **subcontractor** on the discretionary contract.

☐ No subcontractor(s); or

List subcontractors:

CDS/Muery Services Engineering & Surveying

(4) Identify any **lobbyist** or **public relations firm** employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☐ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

N/A

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law. A sole proprietor should list the name of the individual and the d/b/a, if any.

City of San Antonio
Discretionary Contracts Disclosure

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)
Attach additional sheets if space provided is not sufficient.*

(5) Political Contributions

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made to any *current or former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3).

☐ No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
N/A			

(6) Disclosures in Proposals

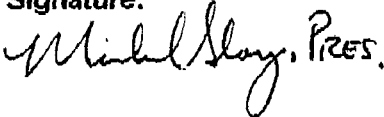
Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

☐ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

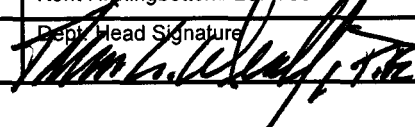
Party aware of the following facts:

N/A

This form is required to be supplemented in the event there is any change in the information before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed, whichever occurs first.

Signature: 	Title: President Company or D/B/A: Slay Engineering Co., Inc.	Date: 05/01/06
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² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO		05
Approval		Request For Ordinance/Resolution		Consent <input type="checkbox"/> Individual <input type="checkbox"/> Item No. 9 Ord. No.
Finance	Budget			
Legal Shreya Shaw	Coordinator			
Date: April 26, 2006		Department: Public Works		Contact Person/Phone #: Kent Hickingbottom/ 207-7887
Date Council Consideration Requested June 8, 2006		Deadline for Action: ASAP		Dept. Head Signature: 
SUMMARY OF ORDINANCE				
<p>Durango – Trinity to Navidad</p> <p>An ordinance amending a professional services agreement and authorizing payment to Slay Engineering Company, Inc. for additional engineering services in connection with the Durango-San Marcos to Navidad Project, an authorized U.S. Department of Housing and Urban Development (HUD) 108 Loan Program Funded Project, located in Council District 5; and appropriating a total ordinance amount of \$55,330.00.</p> <p>The professional services agreement to be utilized for this project was approved by City Council on May 14, 1998 through Ordinance No. 87785 and authorized \$99,400.00 for professional engineering services in connection with the Durango San Marcos to Navidad project. Subsequent amendments have increased the amount of this agreement to \$120,745.50. This ordinance will increase the total agreement amount to \$171,045.50. This item represents a portion of a total estimated project cost of \$948,000.00.</p> <p>Staff recommends approval of this ordinance.</p> <p style="text-align: center;">Council Memorandum Must be Attached To Original</p>				
Other Depts., Boards, Committees Involved (please specify): The Finance Department and the Office of Management and Budget.				
Contract signed by other party: Yes <input type="checkbox"/> No <input type="checkbox"/>				
FISCAL DATA (If Applicable) See Attached Fiscal Data Sheet				
Amount Expended		Funds/Staffing Budgeted Yes <input type="checkbox"/> No <input type="checkbox"/> Positions Currently Authorized Yes <input type="checkbox"/> No <input type="checkbox"/> Impact on future O & M If positions added, specify Class and Job No.		
Fund	SAP GL Account			
*Cost Center				
*Internal Order No.	*WBS (Capital Proj.)			
*(Fill out only the field that is appropriate to your council action.)				
Comments:		Please submit 3 copies with your original		
Public Works Department Staff Review:		Division Head:		
Fiscal Planning Manager:		Executive Assistant:		
City Engineer:				